

REMARKS/ARGUMENTS

The claims are amended to provide necessary antecedent basis and for consistency purposes.

The present invention is a vibration dampener wherein an elastomeric member is compression fitted against a metal surface wherein the metal surface has a phosphated coating. In particular, the rubber member is pre-cured, as opposed to injection molded, and, further, the elastomeric member is either ethylene propylene diene monomer rubber or ethylene acrylate copolymer. Applicants have discovered that phosphating improves the adhesion between a pre-cured rubber member and a phosphated surface. Applicants have further discovered that EPDM and ethylene acrylate copolymer pre-cured rubber members increase their adhesion with a phosphated surface when subjected to additional heat. Thus, the present invention is limited to such a vibration dampener where the metal member is phosphated, the rubber member is a pre-cured rubber member formed from either EPDM or ethylene acrylate copolymer.

The claims were rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbaugh et al U.S. patent 4,073,047 which teaches a vibration dampener with a pre-cured elastomer member, and Kingsley U.S. patent 6,082,721 which discloses a phosphate coated member in a bearing surface. The other secondary references are Gaydecki U.S. patent 3,858,925 and Ando et al U.S. patent 5,578,680 which simply disclose that the elastomeric member can be either EPDM or ethylene acrylate copolymer.

Applicants would like to point out that the Kingsley reference fails to disclose a pre-cured elastomeric member which is compression fitted against a phosphated surface. In particular, the Kingsley reference at column 7, line 63, to column 8, line 9, indicates that the elastomeric member is injection molded as a liquid and cured against the phosphated surface. The inner metal member 22 is compression fitted but there is no

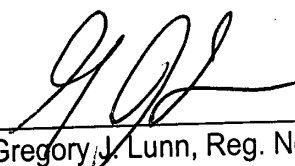
disclosure whatsoever of phosphating this inner bushing member. In fact, at column 8, line 35, it indicates that relative rotational and/or conical movement between the elastomeric interface and the inner bushing member is permitted. This difference is very important. There is no disclosure in any reference that phosphating will improve adhesion between a rubber member wherein the rubber member is pre-cured. It is quite different to cast a material in place wherein chemical reactions are still possible and simply force fitting a pre-cured rubber member.

The unobviousness of the present invention is further established by the attached Declaration of one of the inventors, submitted in the parent case, which indicates that the adhesion improves with heat, which is considered to be unexpected and is certainly not suggested by either the Gaydecki or the Ando reference.

Simply put, there is no suggestion whatsoever to combine these references with the Kingsley and Fishbaugh references to arrive at applicants' invention. More importantly, there is no suggestion of the unexpected advantages that are achieved by applicants' invention. In light of this, applicants would request reconsideration of the pending rejection, and allowance of the pending claims.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By 
Gregory J. Lunn, Reg. No. 29,945

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 - Telephone
(513) 421-7269 - Facsimile